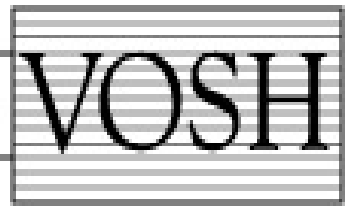


Virginia Occupational Safety and Health



VOSH PROGRAM DIRECTIVE: 12-239B

ISSUED: January 1, 2006

SUBJECT: Virginia Unique Construction Industry Standard for Sanitation: 16 VAC 25-160 (1926.51)

A. Purpose.

This revised directive **updates IMIS coding instructions** for the enforcement of the Virginia Unique Standard for Construction Sanitation. The initial directive, 12-239, and the corrections of 12-239A have been incorporated in this version.

B. Scope.

This Directive applies to all VOSH personnel and specifically to Occupational Safety Enforcement and Consultation Services personnel.

C. Reference.

Not Applicable.

D. Cancellation.

VOSH Program Directive 12-239A (September 1, 1991).

E. Action.

Directors, Managers and field personnel shall assure that employers comply with requirements of the Virginia Unique Construction Industry Standard for Sanitation, and that the revised IMIS coding instructions contained in this directive are put into service.

F. Effective Date.

January 1, 2006.

G. Expiration Date.

Not Applicable.

H. Background and Implementation Dates.

On November 5, 1987, the Virginia state AFL-CIO made a request to the Commissioner of Labor and Industry and the Safety and Health Codes Board to adopt amendments to the Sanitation in Construction Industry Standard similar to the requirements contained in the Virginia Field

Sanitation Standard (which applies to agricultural workers). Subsequently, the Safety and Health Codes Board met on July 11, 1988 and decided that upgraded sanitation standards were needed for employees and employers in the construction industry. The Commissioner of Labor and Industry then appointed a task force to develop this amendment with the help of DLI staff. The Safety and Health Codes Board, at its September 18, 1990 meeting, approved this Virginia unique standard to replace the previous federal identical standard with an effective date of November 21, 1990. However, on November 20, 1990, the Board delayed the effective date of the amended standard until January 9, 1991 at which time it became effective.

CHANGE I: At its meeting on July 30, 1991, the Safety and Health Codes Board adopted technical corrections to the Construction Industry Standard for Sanitation. The technical corrections are necessary to correct certain references in paragraph (a)(3) of the standard. These corrections add language which was inadvertently deleted from the original document and deletes redundant language which was inadvertently included.

I. Summary.

This Virginia unique Construction Industry Standard for Sanitation replaces the federal standard and requires employers engaged in construction activities to furnish, without cost to the employees, potable toilet facilities and handwashing facilities.

Potable drinking water containers as well as the toilet and handwashing facilities are required to be maintained in a clean and sanitary condition (in accordance with appropriate public health sanitation practices). The potable drinking water which must be furnished under the standard must be suitably cool and in sufficient amounts so that it is not completely consumed during the workday. Drinking water must be dispensed in single-use drinking cups.

Also, the Standard requires that toilet and handwashing facilities be provided at a 20:1 (workers:facility) ratio. Toilet facilities shall be adequately ventilated, appropriately screened with self-closing doors that can be closed and latched from inside, and shall be constructed to ensure privacy.

J. Procedures.

- 1. Citation Numbering Procedures to be printed on VOSH citations.** Violations of the unique standard to be printed on VOSH citations shall be written as follows:

16 VAC 25-160-10- *(plus the applicable sub-paragraph(s) of the standard)*

2. Codes to Enter Violations into the IMIS Database.

Data entry on violations of the standard shall correspond with the applicable subparagraph(s) of the standard and be entered into the IMIS database as follows:

- | | | | |
|----|-------------------|----|---------------|
| a. | CSAN 0051 a 1 i | j. | CSAN 0051 b 2 |
| b. | CSAN 0051 a 1 ii | k. | CSAN 0051 c 1 |
| c. | CSAN 0051 a 1 iii | l. | CSAN 0051 c 2 |
| d. | CSAN 0051 a 2 | m. | CSAN 0051 c 3 |
| e. | CSAN 0051 a 3 | n. | CSAN 0051 c 4 |
| f. | CSAN 0051 a 5 i | o. | CSAN 0051 c 5 |
| g. | CSAN 0051 a 5 ii | p. | CSAN 0051 f |
| h. | CSAN 0051 a 5 iii | q. | CSAN 0051 h |
| i. | CSAN 0051 b 1 | | |

C. Ray Davenport
Commissioner

Attachment: Virginia Unique Standard for Construction Sanitation, with corrections (*hard copy*)

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+16VAC25-160> (*e-version*)

Distribution: Commissioner of Labor and Industry
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OSHA Area Office, Norfolk
OSHA Regional Administrator, Region III

Virginia Unique Standard

16 VAC 25 - CHAPTER 160

CONSTRUCTION INDUSTRY STANDARD FOR SANITATION

Effective date: October 1, 1991

Note: The following standard is unique for the enforcement of occupational safety and health within the Commonwealth of Virginia under the jurisdiction of the VOSH Program. The existing federal OSHA standard does not apply nor does it carry the force of law. The subsections of 1910.141 and 1910.151 which are not specifically excluded under the application of this unique standard are still applicable in general industry situations.

16 VAC 25-160-10. Construction industry sanitation standard; in general (29 CFR 1926.51).

(a) Water supply.

- (1) Potable drinking water.
 - (i) Potable water shall be provided and placed in locations readily accessible to all employees.
 - (ii) The water shall be suitably cool and in sufficient amounts, taking into account the air temperature, humidity and the nature of the work performed to meet the needs of all employees.
 - (iii) The water shall be dispensed in single-use drinking cups or by fountains. The use of the common drinking cup is prohibited.
- (2) Portable containers used to dispense drinking water shall be capable of being tightly closed, and equipped with a tap. Water shall not be dipped from containers.
- (3) Any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose. Water shall not be dipped from containers.
- (4) Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the cups shall be provided.
- (5) Maintenance. Potable drinking water, toilet and handwashing facilities shall be maintained in accordance with appropriate public health sanitation practices,

and shall include the following:

- (i) Drinking water containers shall be constructed of materials that maintain water quality;
- (ii) Drinking water containers shall be refilled daily and shall be covered; and
- (iii) Drinking water containers shall be regularly cleaned.

(b) Nonpotable water.

- (1) Outlets for nonpotable water, such as water for industrial or firefighting purposes only, shall be identified by signs meeting the requirements of Subpart G of this part (16VAC25-175-1926.200 et seq.), to indicate clearly that the water is unsafe and is not to be used for drinking, washing, or cooking purposes.
- (2) There shall be no cross-connection, open or potential, between a system furnishing potable water and a system furnishing nonpotable water.

(c) Toilet and handwashing facilities.

- (1) One toilet and one handwashing facility shall be provided for each 20 employees or fraction thereof.
- (2) Toilet facilities shall be adequately ventilated, appropriately screened, have self-closing doors that can be closed and latched from inside and shall be constructed to insure privacy.
- (3) Toilet and handwashing facilities shall be readily accessible to all employees, accessibly located and in close proximity to each other.
- (4) Toilet facilities shall be operational and maintained in a clean and sanitary condition.
- (5) The requirements of this paragraph for sanitation facilities shall not apply to mobile crews having transportation readily available to nearby toilet facilities.

(d) *NOTE: Rescinded as being inconsistent with the more stringent Virginia Standard.*

(e) *NOTE: Rescinded as being inconsistent with the more stringent Virginia Standard.*

(f) Washing facilities. Hand washing facilities shall be refilled with potable water as necessary to ensure an adequate supply of potable water, soap and single use towels.

(g) Revoked

(h) **Waste disposal.** (1) Disposal of wastes from facilities shall not cause unsanitary conditions.

(i) **Definitions.**

- (1) "Handwashing" facility means a facility providing either a basin, container or outlet with an adequate supply of potable water, soap and single use towels.
- (2) "Potable water" means water that meets the standards for drinking purposes of the state or local authority having jurisdiction or water that meets the quality standards prescribed by the U. S. Environmental Protection Agency's Interim Primary Drinking Water Regulations, published in 40 CFR Part 141.
- (3) "Toilet facility" means a fixed or portable facility designed for the containment of the products of both defecation and urination which is supplied with toilet paper adequate to meet employee needs. Toilet facilities include biological, chemical, flush and combustion toilets and sanitary privies.

16VAC25-160-20. General industry standards applicable to construction sanitation (29 CFR 1910.141).

The following requirements from 29 CFR Part 1910 (General Industry) have been identified as applicable to construction (29 CFR 1926.51, Sanitation), in accordance with their respective scope and definitions.

§1910.141 Sanitation

- (a) (1) Scope. This section applies to all permanent places of employment.
- (a) (2) *NOTE: Virginia does not adopt (enforce) 29 CFR 1910.141(a)(2)(i)-(xi), which sets out definitions applicable to 29 CFR 1910.141 for construction sanitation. 29 CFR 1910.141(a)(2)(v) has been rescinded (for construction sanitation).*
- (a) (2) (v) *NOTE: Rescinded as being inconsistent with the more stringent Virginia Standard for potable water (16VAC25-160-10).*

NOTE: Virginia does not adopt (enforce) 29 CFR 1910.141(a)(3) and (4) for construction sanitation.

- (5) Vermin control. Every enclosed workplace shall be so constructed, equipped, and maintained, so far as reasonably practicable, as to prevent the entrance or harborage of rodents, insects, and other vermin. A continuing and effective extermination program shall be instituted where their presence is detected.

NOTE: Virginia does not adopt (enforce) 29 CFR 1910.141(b) through (g)(1) for construction sanitation.

- (g) (2) Eating and drinking areas. No employee shall be allowed to consume food or beverages in a toilet room nor in any area exposed to a toxic material.

NOTE: Virginia does not adopt (enforce) 29 CFR 1910.141(g)(3) and (g)(4) for construction sanitation.

- (h) *NOTE: Rescinded (not enforced for construction sanitation) as being inconsistent with the more stringent Virginia Standard.*

16VAC25-160-30. Medical services and first aid (29 CFR 1910.151).

§1910.151 Medical services and first aid.

NOTE: Virginia does not adopt (enforce) 29 CFR 1910.151(a) and (b) for construction sanitation.

- (c) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.